

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERIPRISE FINANCIAL, INC.,

Plaintiff,

- against -

OPPENHEIMERFUNDS
DISTRIBUTOR, INC.

Defendant.

Case No.: 07-cv-8451 (LAK)

ECF Case

**NOTICE OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE***

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District
Courts for the Southern and Eastern Districts of New York, I, Jeanne M. Heffernan, a member in
good standing of the bar of this Court, hereby move for an Order allowing the admission *pro hac*
vice of:

David W. Higer
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, Illinois 60601
Tel: (312) 861-2000
Fax: (312) 861-2200

David W. Higer is a member in good standing of the Bar of the States of Illinois
and Idaho. There are no pending disciplinary proceedings against Mr. Higer in any State or
Federal court.

Dated: 10/05/07

New York, New York


Jeanne M. Heffernan (JH 5708)

KIRKLAND & ELLIS LLP
Citigroup Center
153 East 53rd Street
New York, New York 10022-4611
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Attorneys for Ameriprise Financial, Inc.,
Plaintiff

628878
\$25 10-5-07

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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**AFFIDAVIT OF JEANNE M. HEFFERNAN
IN SUPPORT OF MOTION TO ADMIT
COUNSEL *PRO HAC VICE***

STATE OF NEW YORK)
) ss.:
COUNTY OF NEW YORK)

Jeanne M. Heffernan, being duly sworn, hereby deposes and says as follows:

1. I am an attorney at Kirkland & Ellis LLP, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit David W. Higer as counsel *pro hac vice* to represent Plaintiff in this matter.
2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in February 2003. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.
3. I have known David W. Higer.
4. Mr. Higer is an attorney at Kirkland & Ellis, LLP, located at 200 East Randolph Drive in Chicago, Illinois.
5. I have found Mr. Higer to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure.
6. Accordingly, I am pleased to move for the admission of Mr. Higer, *pro hac vice*.
7. I respectfully submit a proposed order gaining the admission of Mr. Higer, *pro hac vice*, which is attached hereto as Exhibit A.


WHEREFORE it is respectfully requested that the motion to admit David W. Higer, *pro hac vice*, to represent Plaintiff in the above captioned matter, be granted.

Dated: 10/05/07
New York, New York

Respectfully submitted,


Jeanne M. Heffernan (JH 5708)

Sworn to before me the 5th
day of October, 2007.


NOTARY PUBLIC
Notary Public, State of New York
No. 30-4819108
Qualified in Orange County
Certificate Filed in New York County
Commission Expires May 31, 2010

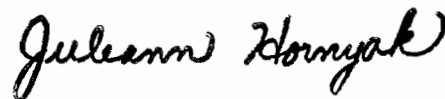
Certificate of Admission To the Bar of Illinois

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

David William Higer

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on May 4, 2006 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto
placed my hand and affixed the seal
of said Supreme Court, at Springfield,
in said State, this Wednesday, September 05, 2007.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk

Supreme Court State of Idaho



Certificate of Admission

Clerk's Office)
) ss.
Supreme Court)

I, Stephen W. Kenyon, Clerk of the Supreme Court of the State of Idaho, do hereby certify that
DAVID WILLIAM HIGER, on the 30th day of September, 2004, was admitted to practice by said Court
as an attorney and counselor at law in all the courts of this state, and that he ever since and now is an
attorney in good standing at the Bar of this Court.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Court at Boise,
Idaho, this 4th day of October, 2007.

Stephen Kenyon
Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

AMERIPRISE FINANCIAL, INC.,

Plaintiff,

- against -

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DISTRIBUTOR, INC.

Defendant.

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**ORDER FOR ADMISSION *PRO HAC*
VICE ON WRITTEN MOTION**

Upon the motion of Jeanne M. Heffernan, attorney for AMERIPRISE
FINANCIAL, INC., and said sponsor attorney's affidavit of support;

IT IS HEREBY ORDERED that

David W. Higer
Kirkland & Ellis LLP
200 East Randolph Drive
Chicago, Illinois 60601
Tel: (312) 861-2000
Fax: (312) 861-2200
Email Address: dhiger@kirkland.com

is admitted to practice *pro hac vice* as counsel for AMERIPRISE FINANCIAL, INC. in the
above captioned case in the United States District Court for the Southern District of New York.
All attorneys appearing before this Court are subject to the Local Rules of this Court, including
the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case
Filing (ECF) system, counsel shall immediately apply for an ECF password at
www.nysd.uscourts.gov. Counsel shall forward the *pro hac vice* fee to the Clerk of Court.

Dated: _____

New York, New York

United States District Judge

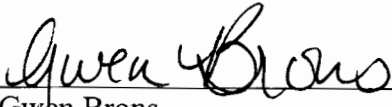
CERTIFICATE OF SERVICE

I hereby certify that, on October 5, 2007, a copy of the foregoing Notice of Motion to Admit Counsel *Pro Hac Vice* was served by the method indicated upon the following:

- ☒ First Class Mail
- ☐ Facsimile Transmission
- ☐ Overnight Courier Service
- ☐ Electronic Mail
- ☐ Hand Delivery

OppenheimerFunds Distributor, Inc.
c/o CT Corporation System
111 Eighth Avenue
New York, NY 10011
as Agent for Defendant

Dated: 10/5/07


Gwen Brons